

**ZONING BOARD OF APPEALS**  
**MINUTES**  
**October 18, 2005**

**Members Present**

Barry Silverstein – Chairman  
Maureen Kangas – Vice Chairman  
Ronald Critelli  
Lynne Raver  
Marc Breimer  
April Callahan (non-voting)

**Members Absent**

MaryAnn Leenig

**Others Present**

Janis Gomez Anderson, Esq. – ZBA Attorney  
Edward Peters – Deputy Building Inspector, Interim Zoning Administrator  
Christopher Colsey – Director of Municipal Development  
John Andrews – Town Engineer

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Notice of Appeal Hearing was published in the Beacon Free Press, The Poughkeepsie Journal and the Southern Dutchess News.  
Notified of the variance requests were the Town Board, Town Fire/Building Inspector, Town Planning Board, New York State Department of Transportation, Dutchess County Department of Planning, Zoning Administrator and surrounding property owners.

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**The meeting of the Zoning Board of Appeals was called to order at 7:03 p.m. by the Chairman. He made announcements regarding the no smoking policy and the emergency exits and fire procedures.**

Chairman Silverstein announced that Alternate Member, Marc Breimer, is on the Board for this meeting with full voting rights.

Chairman Silverstein called for comments or corrections to the minutes of the September 2005 meeting. Hearing none, he called for a motion to accept the minutes as written.

Maureen Kangas made the motion to accept the minutes as written from the September 20, 2005 meeting.

Ronald Critelli seconded.

Motion Carried

Barry Silverstein – Aye

Maureen Kangas – Aye

Ronald Critelli - Aye

Lynne Raver – Aye

Marc Breimer - Aye

**Vote:**

**ZB05-004, Quality Inn Hotel**

Motion to Grant made by – Marc Breimer

Second – Lynne Raver

Carried

Barry Silverstein – Aye

Maureen Kangas - Aye

Lynne Raver – Aye

Ronald Critelli \_Aye

Marc Breimer - Aye

Note: Variance was Granted with the condition that the Applicant petition the Rombout Fire District to be included in their Ladder District.

**Vote:**

**ZB05-015 Nancy Paino**

Janis Gomez Anderson advised the Board that the Public Hearing Notice for acceptable.

Chairman Silverstein called for a motion to Close the Public Hearing

Motion to Close the Public Hearing made by Marc Breimer

Second – Ronald Critelli

Carried

Barry Silverstein – Aye

Maureen Kangas - Aye

Lynne Raver – Aye

Ronald Critelli \_Aye

Marc Breimer – Aye

Chairman Silverstein called for a motion to Grant or Deny the Variance request.

Motion to Grant the variance made by Ronald Critelli

Second – Maureen Kangas

Carried

Barry Silverstein – Aye

Maureen Kangas - Aye

Lynne Raver – Aye

Ronald Critelli \_Aye

Marc Breimer – Aye

**Vote:**

**ZB05-016, James Wick**

Janis Gomez Anderson advised the Board that the Public Hearing notice was acceptable.

Chairman Silverstein called for a motion to Close the Public Hearing

Motion to close the Public Hearing made by Lynne Raver

Second – Maureen Kangas

Carried

Barry Silverstein – Aye

Maureen Kangas - Aye

Lynne Raver – Aye

Ronald Critelli \_Aye

Marc Breimer – Aye

Chairman Silverstein called for a motion to adopt the Negative Declaration.

Motion for the Adoption of the Negative Declaration made by Ronald Critelli

Second – Maureen Kangas

Carried

Barry Silverstein – Aye

Maureen Kangas - Aye

Lynne Raver – Aye

Ronald Critelli \_Aye

Marc Breimer – Aye

Chairman Silverstein called for a motion to Grant or Deny the Variance request.

Motion to Grant made by Ronald Critelli

Second – Lynne Raver

Carried

Barry Silverstein – Aye

Maureen Kangas - Aye

Lynne Raver – Aye

Ronald Critelli \_Aye

Marc Breimer – Aye

## **Old Business**

### **Continued Public Hearing for:**

Grid Number: 6154-00-898490      Address: 70 Route 9

Application Number ZB05-007, submitted by Cranesville Block Company, to construct a 50' silo where the maximum height allowed is 35' in a GB Zoning District.

Said request is a violation of Chapter 150-33.B. of the Code of the Town of Fishkill.

Chairman Silverstein read communications from Timothy & Sharon Smith, Carol Lane; Edward Bushek, Carol Lane; David Eberle, Slocum Rd; Lucille Weinstat, Half Moon Rd and Fishkill Ridge Caretakers, citing concerns with the use of the property, traffic problems and water use. Requests were made for additional testing and job tickets.

Objections were also made for the industrial use of this property.

The Chairman also read a report from John Andrews, the Town Engineer citing Cranesville's compliance regarding noise, dust and storm water drainage. Mr. Andrews did recommend additional noise tests be conducted prior to the ZBA's decision regarding the variance.

Represented by: Don Bassett and Steve Dow, Applicants

Chairman Silverstein requested that the noise tests recommended by the Town Engineer be completed and a report submitted.

The Chairman requested a clarification regarding the water testing. He asked if it was for the resolution of the variance or is it a recommendation for an ongoing issue. Mr. Andrews advised the Board that the Applicant has a permit for storm water discharge from industrial activities. As part of the Planning Board approval, they completely revamped their storm water management facilities. There will be very little, if any, discharge leaving their site. It is handled on site. Mr. Andrews advised that the applicant's did submit data early on and he would be interested in receiving new information to compare how it is operating one year after the instillation. He feels that it is pertinent to what the ZBA is looking at and may have been the intent of the Planning Board to verify that the facility functions as it was intended to. Chairman Silverstein reiterated that the test would be preformed to ensure that the facility if operating as it should be.

Chairman Silverstein asked Janis Gomez Anderson to request that the tests be conducted and to supply the ZBA with the results. Ms. Gomez Anderson advised that she will submit the Town Engineer's report to the Applicant with a letter indicating what the ZBA is looking for.

Steve Dow asked for a clarification that the water test requested is the same test that had previously been preformed. Mr. Andrews confirmed that it is.

Chairman Silverstein announced that the Public Hearing will not be closed nor will it proceed until the information requested is received. He acknowledged the area residents in attendance and called for comments from the floor.

Peter Rostenberg commented that the ZBA's job is very important. He stated that at some point in the history of Fishkill, a decision was made regarding the issue of what would be the most useful way to use this land. It was decided that a General Business Zone would be best. As a result, there have been various types of activities on the property. Dr. Rostenberg felt certain that they had no idea of the intense industrial activity that would take place there.

He advised that the residents are not the only ones concerned about the water. The Dutchess County Legislature has come up with good recommendations regarding the preservation of surface and ground water. He wanted to know how their recommendations fit into what is currently going on with the ZBA. In regards to water testing, there is no requirement for ongoing testing of wash-water discharge. Dr. Rostenberg urged the ZBA Members to Foil Region 3. They have tested the water-handling system, after a moderate storm event. The results may be enlightening. The discharge of the plant is going into waters of New York, very near the Public Water Supply. He urged the Members to be very careful and thorough when determining when a plant goes from one or two trucks to now fourteen trucks. How much water will they consume? What have other areas done to monitor the water? He advised that they have followed very carefully the Public Hearings held in Montgomery where Cranesville has tried and has been successful in getting approval for a new Redi-Mix concrete plant in an industrial zone.

Dr. Rostenberg returned to the water issue. He advised that they researched this and have determined that it takes forty-five to seventy-five gallons per yard of concrete. They also carry approximately 150 gallons of extra water. If a truck can carry ten cubic yards, then it is carrying 450 to 750 gallons of water, plus the 150 gallons of water. That would make each truck capable of carrying between 600 and 900 gallons per truckload. The question is, what is the capacity of Cranesville, Route 9, in cubic yards per hour? How much concrete can they make? This is our drinking water. Listen to the people who originally zoned this property as General Business.

Chairman Silverstein asked Dr. Rostenberg for a copy of the information that he read from. Dr. Rostenberg presented a copy to the Chairman and to Nancy Lecker for the file.

Dr. David Eberle advised that he was looking at it from a public health perspective. The Department of Health for the State of New York specifies this aquifer as a primary aquifer to the observing of regulatory protection. However, it passes the regulatory protection to the DEC, which passes it to the local community. This is where we should establish regulatory protection. The Town Board had previously restricted the type of development there. We are now seeing variances being granted to change that. We are starting industrialization over the primary aquifer.

Dr. Eberle stated that the aquifer has been poisoned at the north end at the Brinckerhoff site. Now the southern end of it is being threatened. Another problem with the aquifer is the amount of construction, which effects the recharge way. If it is damaged now, it will

be irreparable. We need to be careful how much water we draw out of it and the potential sources of pollution.

Dr. Eberle commented that the review that Mr. Andrews did is only based on the quality of the data he receives since he does not conduct the tests himself. He asked when the tests were conducted, where on the site the testing was done, what time of day and what type of activity was at the plant during the time of the testing.

Mr. Andrews advised the Board that in regards to the dust monitoring, that he only received the laboratory analysis, identifying the residents, the date and the time the tests were conducted. The noise monitoring was a detailed letter report. It was prepared and submitted by a well known and respected engineering firm. It has full data associated with it. Mr. Andrews advised that he is familiar with the principals of the firm and that a few of them have PhD's. The Firm has a substantial record in the area. Although the data didn't match what was requested, it was thorough and covered the full the full range of what had been asked.

Dr. Eberle began to argue but the Chairman stopped him. Chairman Silverstein stated that he wasn't going to get into a debate. He stated that he will only go on the record as a former member of the Town Board, and Deputy Supervisor for the Town of Fishkill and as the Chairman of the Zoning Board, that he personally, and the Town of Fishkill have the utmost respect and confidence in the Town Engineers and under no circumstances did he feel that a recommendation would ever be given or accept anything less than what is necessary to supply the ZBA with correct information to allow the ZBA to make their decision. Their job is only to analyze and give the information to the ZBA Members.

Dr. Eberle stated that if one goes to court you will have two accredited agencies with opposite view points. Here, there is only one presenting a view point.

Vickie Calder, Carol Lane, stated that each dust test performed has been done when the trees are in full bloom. The trees are a natural buffer and by the time the dust reaches their homes it is being filtered. She stated that she has requested that the tests be done during a time when the site does not have these natural filters. There is a dust issue. The residents do get dust in their home now that wasn't there once before. Yes, two tests have been done. Ms. Calder advised that their request is for the tests to be performed when the plant is in full operation and you can see the smoke. They have taken pictures. There are particles in the smoke. They have never taken the tests during a time when there hasn't been something to act as a filter.

Chairman Silverstein commented that a test was going to be conducted towards the wintertime and the complaint was that there wasn't enough business being conducted during that time and the tests should be performed in the summer when they are busier.

Debra Hall, Hopewell Jct, stated that she is present to support the residents. She advised that she knows what it is like to have contaminated water and air and to have the DEC monitor them for a decade and then de-list them stating everything is fine only to have them return nine years later and advise that their water can no longer be used. Ms. Hall

stated that they now live with filters and hopefully will get water from somewhere else. This is something that can be prevented, because once the water is contaminated, it is almost impossible to clean it.

Ed Bushek, Carol Lane, presented the Board with two pictures recently taken showing an industrial operation in a General Business Zone. He stated that he wants to keep coming back to it because in 1995 the ZBA granted a variance for a one to two truck operation, which has become an industrial site.

Chairman Silverstein commented that unfortunately there is nothing the ZBA can do except review the variance requested for the silo. The ZBA does not, nor will it ever have the power to close the plant down or request it to move. Mr. Bushek asked who does since the Planning Board did their review based upon the fact that the ZBA gave them a variance. The Chairman stated that he understands their concerns and that there is a paper trail regarding the variance previously granted, but this Board must restrict the Hearings to the request for the variance for the silo. Whether the Board approves or denies the variance, no member has the power to side with the residents and close the plant down.

Marc Breimer stated that when the special use permit and variances were granted, no provisions were made at that time in regards to the escalation of the operation. The problem is that now the exception has been made and the ZBA does not have the authority to change that.

Mr. Bushek presented to the Board the Town of Montgomery Planning Board's Resolution concerning the Montgomery site. He stated that they have some conditions that the ZBA and the Planning Board should put into place if the operation is to continue here.

Chairman Silverstein again stated that the Board Members will read it, but that everyone needs to understand that these provisions were negotiated and agreed upon by the Planning Board, and the ZBA does not have the same authority. It is understood that the ZBA decision is critical since all of the Members live here, but they only vote yea or nay. The ZBA does not set the criteria that the Planning Board does.

Maureen Kangas stated as a Fishkill resident and mother she along with all of the Board Members take everything said very seriously. She noted that the Chairman is correct that they have a job to do and members of the public believe that the ZBA can do more than just approve or deny a variance. She reads and studies every appeal. This is not something that the members do once a month. It is taken extremely seriously.

Janis Gomez Anderson stated for the record that the site was the subject of a Use Variance several years ago. That runs with the land and can not be changed at this point.

Lucille Weinstat, commented that you can't close the barn door once the horse has been stolen, but you can stop a person from stealing more horses. The ZBA can stop the escalation. Building this silo will mean an increase of business. More dust and more

runoff going into the streams and creeks and into the Hudson River. It would seem contradictory to allow this silo and urged the ZBA to deny the variance.

Sharon Smith stated that she has been hearing the term “industrial zone”. When the air and water testing has been done, are there different acceptable levels for different areas? Will an industrial area have a higher acceptable level than a residential area. Chairman Silverstein said no but referred the question to John Andrews. Mr. Andrews stated that the breakdown isn’t that simple. With an industrial site, they must meet certain criteria imposed by the government based on what you expect to find on an industrial site. A residential neighborhood would have different set of criteria due to the fact that the expectations would be different. The bottom line is that they must comply with the regulations that apply to their business.

Michelle Maguire asked that the Board please remember that at the end of the day, the workers go home and leave the site. The next morning the residents are still there. She stated that the noise level is getting worse even on a Sunday night at 9:30pm. She advised that there are police reports that will verify this. There are men inside the cement tanks and the trucks with sledge hammers late at night banging away cleaning them out. She stated that the response from the employees to the police is that they have a special permit to do that. Ms. Maguire stated that she researched and found no special permit issued. The officer had to return to the site to give them a warning. Thirty minutes after the police left, then began to bang again.

Chairman Silverstein stopped the public comments and stated that the Hearing will be adjourned at this time until the completion of the tests. The public is still able to send in comments. He stated that he will advise the Supervisor of the concerns of the noise levels. The Town Board may follow up on it.

The Chairman call for a motion to Adjourn the Public Hearing.

Maureen Kangas made the motion to Adjourn the Public Hearing

Marc Breimer Seconded

Motion Carried

Barry Silverstein – Aye

Maureen Kangas – Aye

Ronald Critelli - Aye

Lynne Raver – Aye

Marc Breimer - Aye



Grid Number: 5953-00-785450      Address: Melzingah Dam Rd  
Application No. ZB05-010, submitted by David Gianna and Denise Zottola, requesting the following variances. 1) front yard setback of 42.9ft where 75ft is required, 2) side yard setback of 37.9ft where 50ft is required, 3) minimum lot size of 1.52 acres where 4 acres is the minimum and 4) access to the property from other than the a main road. Said requests are a violation of Chapters 150-33.A. and 150.26.A. of the Code of the Town of Fishkill.

The Chairman read the following communications:

David Scully, Fire Chief, Dutchess Junction Fire District advising the road is capable of handling emergency vehicles.

John Andrews, Town Engineer citing that the plans submitted were incomplete. The site received Department of Health approval, but the pages were omitted from the plans. There are serious concerns regarding the erosion and slope stabilization in the area of the proposed sub-service disposal system. It is unclear how and if these concerns are addressed in the actual system details. Additional information needs to be provided by the project sponsor regarding the above item. The proposed drainage improvements do not accurately match the current proposal and house design. It appears that the base plan for the property is a holdover from a previous design. The engineer failed to re-grade the property to show the current proposal. With modifications, the proposed house can be appropriately sited in the selected location.

Represented by: David Gianna & Denise Zottola

Chairman Silverstein asked Mr. Gianna if he had received a copy of the report. Mr. Gianna advised that he did not. Janis Gomez Anderson advised that the report was just given to the ZBA prior to this meeting. The Chairman asked if the Applicants would like to comment on it or get a copy and adjourn the Hearing until the next meeting. Ms. Zottola requested an adjournment.

John Andrews commented that the modifications are not substantial. It appears that the original house and retaining walls were removed from the proposal and a new house and modified retaining walls were inserted. It may not have been the most efficient manner. There are several pieces of information that are a holdover and have not been modified for the new house. This may be a viable project if the modifications are made.

Janis Gomez Anderson stated that the Applicants should receive a copy of the letter and asked the Chairman who they would contact with questions. John Andrews stated that if the Board authorized him, he would be happy to answer any questions that should arise. Chairman Silverstein authorized Mr. Andrews to have direct contact with the Applicants in regards to this project.

The Chairman called for a motion to Adjourn the Public Hearing.  
Maureen Kangas made the motion to Adjourn the Public Hearing.  
Marc Breimer Seconded  
Motion Carried

Barry Silverstein – Aye  
Maureen Kangas – Aye  
Ronald Critelli - Aye  
Lynne Raver – Aye  
Marc Breimer - Aye

Grid Number: 6256-04-623284 Address: 1750 Route 52  
Application Number ZB05-012, submitted by Sign-A-Rama, representing Blue Seal Feeds, Inc, requesting a 34 sq. ft. variance to replace the existing sign with a 70 sq. ft. sign where 36sq. ft. is the maximum allowed in an GB Zoning District.  
Said request is a violation of Chapter 150-30.D of the Code of the Town of Fishkill.  
This request is made by the applicant, who seeks relief from the Zoning Administrator's decision regarding Chapter 150-30.D. of the Code of the Town of Fishkill, New York.

Communications: None

No representation. The Chairman announced that the Town Board will meet at 9:30am on Wednesday October 19 to adopt the proposed new sign law.

Janis Gomez Anderson asked Nancy Lecker is she had been in contact with the Applicant. Ms. Lecker stated that they requested to remain on the agenda for this meeting but were not sure if they would attend. They are waiting, pending the outcome of the Town Board meeting.

The Chairman called for a motion to Adjourn this Public Hearing.  
Marc Breimer made the motion to Adjourn the Public Hearing.  
Maureen Kangas Seconded  
Motion Carried

Barry Silverstein – Aye  
Maureen Kangas – Aye  
Ronald Critelli - Aye  
Lynne Raver – Aye  
Marc Breimer - Aye

**Re-Open Public Hearing for the following:**

**Item for Discussion: ZBA Site Visit**

Grid Number: 6155-17-069012 Address: 20 Garden Place

Application Number ZB05-013, submitted by Balanced Builders, Suzanne Timmer and Michael Connors, requesting a 3ft variance to increase a 16.6 ft non-conforming rear setback to 13.6 ft where 40 ft is the minimum allowed in an R-20 Zoning District to construct a addition and renovation to the rear of their home.

Grid Number: 6155-17-069012 Address: 20 Garden Place

Application Number ZB05-014, submitted by Balanced Builders, Suzanne Timmer and Michael Connors, requesting a 20 ft variance creating a 15 ft front yard setback where 35 ft is the minimum and a 5 ft variance creating a 5 ft side yard setback where 10 ft is the minimum in an R-20 Zoning District to construct a detached garage.

The Chairman called for a motion to reopen the Public Hearing.

Marc Breimer made the motion to Reopen the Public Hearing.

Maureen Kangas Seconded

Motion Carried

Barry Silverstein – Aye

Maureen Kangas – Aye

Ronald Critelli - Aye

Lynne Raver – Aye

Marc Breimer - Aye

Represented by: Suzanne Timmer and Michael Connors

Chairman Silverstein requested verification that they wanted to reopen both applications. Ms. Timmer advised that the applications were separate but they are requesting that the ZBA conduct a site visit prior to making a decision.

The Chairman asked the Members for a date and time for a site visit. Nancy Lecker asked if she needed the normal 5-day notice for the newspapers. Ms. Gomez Anderson advised that it does not have to be published. John Andrews supported the attorney stating that this is a Public Hearing and this site visit is for a fact finding purpose. No decisions will be made at this meeting. The public has the right to be present but are not allowed to speak or ask questions.

The Board Members agreed to the following:

Date: Saturday, October 22, 2005

Time: 9:00am

The Chairman requested that Nancy Lecker email the Board Members with a reminder of the date and time of the site visit.

The Chairman called for a motion to Adjourn this Public Hearing.  
Marc Breimer made the motion to Adjourn the Public Hearing.  
Maureen Kangas Seconded  
Motion Carried

Barry Silverstein – Aye  
Maureen Kangas – Aye  
Ronald Critelli - Aye  
Lynne Raver – Aye  
Marc Breimer - Aye

### **New Business**

#### **Appeal #1**

Grid: 6155-17-029201      Address: 2 Birch Dr  
Application Number ZB05-017, submitted by Frank Garnot, requesting a 2ft variance creating a 3ft side yard setback where 5ft is the minimum in an R-15 Zoning District to construct a carport shelter.

#### **Communications:**

DC Department of Planning citing this as a matter of local concern  
Town of Fishkill Planning Board, offering a positive recommendation, noting that the purpose is to accommodate a handicapped owner and requests that a positive decision be conditioned upon this accommodation only, and not carried with the property.

Represented by: John Andrews

Mr. Andrews reminded the ZBA that this is a temporary structure. It is a framed canvas garage shells. It allows the individual to enter his vehicle without getting wet when it rains. He noted that if and when it is deemed no longer necessary, the Applicant will remove the structure.

Maureen Kangas asked if there have been any complaints from the neighbors. Mr. Andrews replied that he is not aware of any. The fact that the variance is being requested, shows that there may be someone who is less than pleased with it. The variance is only for two feet and again is temporary.

Chairman called for question or comments from the Board. Hearing none, he called for questions from the Floor.

Ron Robinson, stated that he is one of the neighbors and that he has no objection to it.

The Chairman called for a motion to Close the Public Hearing.  
Maureen Kangas made the motion to Close the Public Hearing.  
Marc Breimer Seconded  
Motion Carried

Barry Silverstein – Aye  
Maureen Kangas – Aye  
Ronald Critelli - Aye  
Lynne Raver – Aye  
Marc Breimer - Aye

The Chairman announced that, although this is out of the normal procedure, he would like to call for a motion to grant this request.

Maureen Kangas made the motion to Grant the variance request.  
Lynne Raver Seconded  
Motion Carried

Barry Silverstein – Aye  
Maureen Kangas – Aye  
Ronald Critelli - Aye  
Lynne Raver – Aye  
Marc Breimer - Aye

Janis Gomez Anderson suggested that the Board file the minutes as it's written decision.  
John Andrews advised the Board to satisfy council that the Applicant will consent to a time delay in order for a formal written decision to be completed.

Mr. Andrews requested that the Building Inspector be notified of the decision made at this meeting.

### **Deliberations:**

#### Application No. ZB05-007, Cranesville Block Company

Marc Breimer commented that in looking at the criteria for an Area Variance, an undesirable change has occurred. There is nothing that can be done regarding it.  
Will escalating the operation create that much of a change?

Maureen Kangas asked how the other Members felt about the request. She stated that she has a problem with it. Marc Breimer stated that the Applicant can achieve the benefit they are looking for without a variance. If all they are looking for is to increase their storage, why do they need a 50ft tower?

Chairman Silverstein stated that if the Applicant chose to build a 35ft silo, nothing will change in regards to solving the issues that the residents have. Others Members voiced

their agreement with the Chairman's statement. The Chairman stated that he wasn't sure how or if the ZBA could address the any of the concerns. Janis Gomez Anderson stated that the ZBA needs to look at the environmental affects of the silo.

Councilman Dennis Zack reminded the ZBA Members that their concern should only be for the silo. Chairman Silverstein agreed and stated that they could build a 35ft silo and business goes on as usual. Maureen Kangas stated that she agreed with the residents that the Applicant is expanding their business. They have a reason for this silo and it should have been stopped earlier and she has a problem with it.

Janis Gomez Anderson asked it is noted somewhere that the Applicant has the ability to build two silos. The Chairman confirmed this. He stated that the ZBA was told that the Applicant could build two 35ft silos for a net of 70ft against the 50ft silo. If the ZBA denies the variance and the Applicant erects a 35ft silo then none of the concerns will be addressed.

Ms. Gomez Anderson recommended that one or two representatives from the ZBA meet with John Andrews and have him explain the environmental effects of this silo. The Planning Board may have already looked into this but the ZBA is not allowed to rely on another source.

Ronald Critelli stated that, as an engineer, the environmental information is related. They do have a water issue and they are increasing their capacity. If a vote was called at this time, he would say no due to the related issues. Maureen Kangas agreed with Mr. Critelli. Mr. Critelli commented that although it was stated that conditions could be placed on the decision, He feels that no Member of the ZBA has the qualifications to place those kind of restrictions. Chairman Silverstein voiced his agreement.

Nancy Lecker commented that Don Bassett, at the first meeting, stated that they are not using it to increase business, that there are certain times when supplies are limited and this is only for storage. Chairman Silverstein disagreed and stated that if they are storing that much concrete, they will want to use it and that is increasing their business.

Marc Breimer stated that in regards to placing conditions, he is an analyst at an accredited environmental laboratory. Ronald Critelli stated that he is a registered engineer and does not know the specifications for limits for particles. He asked Mr. Breimer if he knew the specifications. Janis Gomez Anderson stated that it would have to be conditions that the ZBA could enforce. Mr. Breimer stated that is where the trouble is going to be. The operation already effects the environment. The question is how the ZBA can quantify the influence that this silo will have on increasing that affect.

Maureen Kangas asked if anyone has thought that it is time that somebody just put some control on it. Ronald Critelli agreed. Marc Breimer also agreed and stated that the operation probably went above the understanding of the Board that made the decision. Not understanding where it was going. Maureen Kangas agreed and commented that years back the laws were very loose.

Marc Breimer stated that he will vote against it because they can achieve their benefit without a variance. Maureen Kangas and The Chairman both agreed with Mr. Breimer.

The Chairman stated that it may be possible to resolve this and vote at the next meeting. Unless something happens, it seems to be a fairly unanimous decision that it will be denied and it will not be fair to have Cranesville continue to invest money to answer the ZBA questions.

Application No. ZB05-010, David Gianna

Marc Breimer advised that he would prefer to see the amended site plan.  
Ronald Critelli agreed.

Application Number ZB05-012, Sign-A-Rama,

No Discussion

Application Number ZB05-013, Balanced Builders

The Chairman only commented that the ZBA was going to do a site visit.

Application Number ZB05-017, Frank Garnot

No Discussion,

The Chairman commented the ZBA had resolved this already.

**Maureen Kangas motion to adjourn the ZBA Meeting**

**Marc Breimer Seconded**

**Carried**

**Barry Silverstein – Aye**

**Maureen Kangas – Aye**

**Ronald Critelli - Aye**

**Lynne Raver – Aye**

**Marc Breimer - Aye**

**Meeting Adjourned at 8:26pm**

Respectfully submitted,  
Nancy Fitzgerald-Lecker  
ZBA Clerk